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**FOLEY & LARDNER LLP  
ATTORNEYS AT LAW**11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
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FACSIMILE: 858.792.6773  
WWW.FOLEY.COM**Total number of pages, including this page: seventeen (19)**

TO:	PHONE #:	FAX #:
Commissioner for Patents U.S. Patent and Trademark Office		571-273-8300

**From :** Richard J. Warburg

By Barry S. Wilson

**Email Address :** rwarburg@foley.com**Sender's Direct Dial :** 858.847.6767**Date :** April 12, 2006**Client/Matter No :** 060826-0805

Applicant: WIESNER et al.

U.S. Patent Application No. 10/539,256

Filed: 11/23/2003

For: ASIMADOLINE DERIVATIVES COMPRISING COVALENTLY BONDED ACIDS

Following is:

- 1) Transmittal Letter (2 pgs);
- 2) Revocation of Prior Powers of Attorney by Assignee, Appointment of New Power of Attorney by Assignee, Change of Correspondence Address (2 pgs); and
- 3) Statement Under 37 CFR § 3.73(b) (2 pgs) with attached Assignment – Worldwide from Merck KGaA to Tioga Pharmaceuticals, Inc. (12 pgs).

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If there are any problems with this tr Time Sent: Return Original To: Rachel Caputo

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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NO. 4671 P. 2

APR 12 2006

Atty. Dkt. No. 060826-0805

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: WIESNER et al.

Title: ASIMADOLINE DERIVATIVES  
COMPRISING COVALENTLY  
BONDED ACIDS

Appl. No.: 10/539,256

Filing Date: 11/25/2003

Examiner: Unassigned

Art Unit: Unassigned

<p><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</p> <p><u>Rachel Caputo</u> (Printed Name)</p> <p><u>Rachel Caputo</u> (Signature)</p> <p><u>April 12, 2006</u> (Date of Deposit)</p>
---

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed are the following documents:

- 1) Revocation of Prior Powers of Attorney by Assignee, Appointment of New Power of Attorney by Assignee, Change of Correspondence Address (2 pgs); and
- 2) Statement Under 37 CFR § 3.73(b) (2 pgs) with attached Assignment – Worldwide from Merck KGaA to Tioga Pharmaceuticals, Inc. (12 pgs).

DLMR\_282746.1

Atty. Dkt. No. 060826-0805

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Patent Owner hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date 04/12/2006

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
Facsimile: (858) 792-6773

By Barry Wilson

Richard J. Warburg  
Registration No. 32,327  
By Barry S. Wilson  
Registration No. 39,431  
Attorney for Applicant

DLMR\_282746.1

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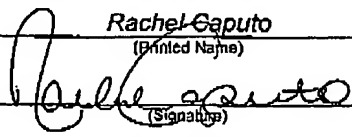
APR 12 2006

NO. 4671 P. 4

Atty. Dkt. No. 060826-0805

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: WIESNER et al.  
Title: ASIMADOLINE DERIVATIVES  
COMPRISING COVALENTLY  
BONDED ACIDS  
Appl. No.: 10/539,256  
Filing Date: 11/25/2003  
Examiner: Unassigned  
Art Unit: Unassigned

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  <u>Rachel Caputo</u> (Printed Name)  <u></u> (Signature)  <u>April 12, 2006</u> (Date of Deposit)
---

**REVOCATION OF PRIOR POWERS OF ATTORNEY BY ASSIGNEE**  
**APPOINTMENT OF NEW POWER OF ATTORNEY BY ASSIGNEE**  
**CHANGE OF CORRESPONDENCE ADDRESS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Tioga Pharmaceuticals, Inc. is the Assignee and owner of the entire right, title, and interest in and to the above-identified patent application as indicated in a Statement Under 37 CFR § 3.73(b) filed herewith.

Assignee HEREBY REVOKES all prior Powers of Attorney and APPOINTS the registered patent attorneys and agents associated with Customer Number:

**30542**

-1-

DLMR\_281997.1

Atty. Dkt. No. 060826-0805

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, to transact all business in the United States Patent and Trademark Office connected therewith.

Assignee requests that all correspondence be directed to:

Richard J. Warburg  
FOLEY & LARDNER LLP  
Customer Number: 30542

Telephone: (858) 847-6767  
Facsimile: (858) 792-6773

Executed this 17 day of March, 2006.

TIOGA PHARMACEUTICALS, INC.

By:

  
(Signature)

David Urso  
(Printed Name)

Chief Business Officer  
(Title)

APR. 12. 2006 4:38PM

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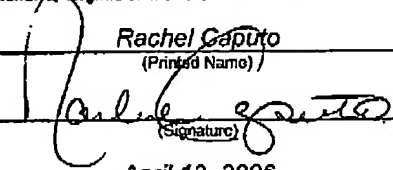
NO. 4671 P. 6

APR 12 2006

Atty. Dkt. No. 060826-0805

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: WIESNER et al.  
Title: ASIMADOLINE DERIVATIVES  
COMPRISING COVALENTLY  
BONDED ACIDS  
Appl. No.: 10/539,256  
Filing Date: 11/25/2003  
Examiner: Unassigned  
Art Unit: Unassigned

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Rachel Caputo (Printed Name)   (Signature)  April 12, 2006 (Date of Deposit)
--

**STATEMENT UNDER 37 C.F.R. § 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Tioga Pharmaceuticals, Inc. is the Assignee and owner of the entire right, title, and interest in and to the above-identified patent by virtue of an Assignment from Merck KGaA to Tioga Pharmaceuticals, Inc. (copy attached hereto).

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above. The undersigned affirms that the documentary evidence of the chain of title from the original owner to the assignee was, or currently is, submitted for recordation pursuant to 37 C.F.R. § 3.11.

DLMR255237.1

Atty. Dkt. No. 060826-0805

The undersigned, whose title is supplied below, is empowered to sign this certificate on behalf of the assignee.

Executed this 17 day of March, 2006.

TIOGA PHARMACEUTICALS, INC.

By:



(Signature)

David Urso

(Printed Name)

Chief Business Officer

(Title)

Atty. Dkt. No. 060826-0101

**ASSIGNMENT - WORLDWIDE**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, a company organized under the laws of Germany, having an address of Frankfurter Strasse 250, D-64293 Darmstadt, Germany ("Merck") (hereinafter referred to as "ASSIGNOR") has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto

Tioga Pharmaceuticals, Inc.  
c/o Forward Ventures  
9393 Towne Centre Dr.  
Suite 200  
San Diego, California 92121

(hereinafter referred to as "ASSIGNEE") its successors and assigns, the full and exclusive right, title and interest for the United States, its territories and possessions, and all foreign countries in and to the patents and applications listed below as well as in and to (a) all improvements and modifications, (b) all Letters Patent which may issue from any of the applications in the United States and countries foreign thereto, (c) all divisions, continuations, reexams, reissues, and extensions of said applications and Letters Patent, and (d) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES ASSIGNEE to file patent applications in any or all countries on the above-identified invention or inventions in the name of the undersigned or in the name of ASSIGNEE or otherwise as ASSIGNEE may deem advisable under the International Convention or otherwise.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representative or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to



Atty. Dkt. No. 060826-0101

execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, and declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR HEREBY GRANTS ASSIGNEE the power to sue for infringement of the patents based on acts that occurred before the date of execution of this assignment.

ASSIGNOR HEREBY GRANTS to the law firm of Foley & Lardner LLP the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of Foley & Lardner LLP do not personally represent ASSIGNOR OR ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

The patents and applications which are the subject of this assignment are as follows:

Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
AT	EPA	19930501	93107103.9	19931118	0569802	0569802	19980715
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Atty. Dkt. No. 060826-0101

Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
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GB	EPA	19930501	93107103.9	19931118	0569802	0569802	19980715
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HK	FPR	19990726	98113248.6			1011990	20000324
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Atty. Dkt. No. 060826-0101

Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
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Atty. Dkt. No. 060826-0101

Country	Prot. Type	Flg. Date	Flg. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
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Atty. Dkt. No. 060826-0101

Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
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KR	PCT	19990416	10-2000-7011480	20010525	2001-0042750		
LT	EPT	19990416	99923421.4	20010207	1073634	1073634	20050831
LU	EPT	19990416	99923421.4	20010207	1073634	1073634	20050831
LV	EPT	19990416	99923421.4	20010207	1073634	1073634	20050831
MX	PCT	19990416	10234				
MY	NP	19990419	PI99001517				
NL	EPT	19990416	99923421.4	20010207	1073634	1073634	20050831
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Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
PK	MBA	19990419	295/99				
PL	PCT	19990416	P 343556				
PT	EPT	19990416	99923421.4	20010207	1073634	1073634	20050831
RU	PCT	19990416	2000128663				
SE	EPT	19990416	99923421.4	20010207	1073634	1073634	20050831
SG	PCT	19990416	200006001-2			76755	20021114
SI	EPT	19990416	99923421.4	20010207	1073634	1073634	20050831
SK	PCT	19990416	PV1557-00				
TH	NP	19990419	049963	20011225	48781		
TW	NP	19990420	88106298				
UA	PCT	19990416	2000116543/M				
US	PCT	19990416	09/647,813			6,344,566	20020205
VN	DIV	20031013	1-2003-00908				
VN	PCT	19990416	1-2000-01043			4106	20040210
WO	PCT	19990416	99/02574	19991028	99/54298		
ZA	PCT	19990416	2000/6689			2000/6689	20020424
DE	NP	19981029	19849650.8	20000504	19849650		abandoned
AR	NP	20020405	P020101256	20031203	AR033116		
AT	EPT						
AU	PCT	20020313	2002254947				
BE	EPT						
BR	PCT	20020313	PI0208488-0	20040302	1730		
CA	PCT	20020313	2,443,019				
CH	EPT						
CL	NP	20020405	665/2002	20021211	665/2002		
CN	PCT	20020313	02807398.3	20040526	1499967A		
CY	EPT						
CZ	PCT	20020313	PV 2003-2899				
DE	EPT						
DE	NP	20010405	10116978.7	20021010	10116978		abandoned
DK	EPT						
EP	EPT	20020313	02724228.8	20040317	1397128		
ES	EPT						
FI	EPT						
FR	EPT						
GB	EPT						
GR	EPT						
HK	FPR	20040907	04106732.6	20050121	1064036A		

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Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
HU	PCT	20020313	P 0303910	20040329	P 0303910		
ID	PCT	20020313	W0020030216 1				
IE	EPT						
IN	PCT	20020313	01390/KOLNP/ 03				
IT	EPT						
JP	PCT	20020313	2002-578944	20040819	P2004- 525165A		
KR	PCT	20020313	10-2003- 7012331	20040326	10-2004- 0025909		
LT	EPT						
LU	EPT						
LV	EPT						
MX	PCT	20020313	PA/a/2003/009 099				
MY	NP	20020402	PI20021192				
NL	EPT						
PH	PCT	20020313	1-2003-500866				
PK	MBA	20020403	249/2002				
PL	PCT	20020313	P 363540				
PT	EPT						
RO	EPT						
RU	PCT	20020313	2003130641				
SE	EPT						
SG	PCT	20020313	200306162-9				
SI	EPT						
SK	PCT	20020313	PV 1327- 2003S				
TH	NP	20020404	072855	20031007	58753		
TW	NP	20020401	91106518				
US	PCT	20020313	10/474,312				
VE	NP	20020405	588-02	20041101	468		
WO	PCT	20020313	02/02756	20021017	02/080905		
ZA	PCT	20020313	2003/8600			2003/8600	20041124
AR	NP	20030516	P030101709	20050309	AR040028		
AT	EPT						
AU	PCT	20030428	2003242527				
BE	EPT						
BR	PCT	20030428	P10309969-5	20050426	1790		
CA	PCT	20030428	2,486,000				
CH	EPT						

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Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
CN	PCT	20030428	03811137.3	20050817	1655784A		
CY	EPT						
CZ	EPT						
DE	EPT						
DK	EPT						
EE	EPT						
EP	EPA	20020517	02011047.4				
EP	EPT	20030428	03752716.5	20050216	1505974		abandoned
ES	EPT						
FI	EPT						
FR	EPT						
GB	EPT						
GR	EPT						
HK	FPR						
HU	EPT						
ID	PCT	20030428	W0020040256 4				
IE	EPT						
IN	PCT	20030428	1860/KOLNP/0 4				
IT	EPT						
JP	PCT	20030428	2004-505050				
KR	PCT	20030428	10-2004- 7018468	20050128	10-2005- 0020807		
LT	EPT						
LU	EPT						
LV	EPT						
MX	PCT	20030428	PA/a/2004/011 333				
NG	NP	20030414	154/2003			RP.15270	20030725
NL	EPT						
PE	NP	20030513	457.2002				
PH	PCT	20030428	1-2004-501849				
PL	PCT	20030428	P 371596				
PT	EPT						
RO	EPT						
RU	PCT	20030428	2004137091				
SE	EPT						
SG	PCT	20030428	200406776-5				
SI	EPT						
SK	EPT						
TR	EPT						
TW	NP	20030512	92112843	20031216	200307541		



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Country	Proz. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
US	PCT	20030428	10/514,887	20050811	2005-0176746		
WO	PCT	20030428	03/04428	20031127	03/097051		
ZA	PCT	20030428	2004/10160				
AR	NP	20031217	P030104665				
AT	EPT						
AU	PCT	20031125	2003288159				
BE	EPT						
CA	PCT	20031125	2,510,167				
CH	EPT						
CY	EPT						
CZ	EPT						
DE	EPT						
DE	NP	20021217	10259245.4	20040701	10259245		abandoned
DK	EPT						
EE	EPT						
EP	EPT	20031125	03780043.0	20051914	1572640		
ES	EPT						
FI	EPT						
FR	EPT						
GB	EPT						
GR	EPT						
HU	EPT						
IE	EPT						
IT	EPT						
JP	PCT	20031125	2004-559717				
LT	EPT						
LU	EPT						
LV	EPT						
MY	NP	20031212	PI20034786				
NL	EPT						
PE	NP	20031210	1254.2003	20041202	1254.2003		
PT	EPT						
RO	EPT						
SE	EPT						
SI	EPT						
SK	EPT						
TR	EPT						
TW	NP	20031211	92135046	20041001	200418459		
US	PCT	20031125	10/539,256				

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Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
WO	PCT	20031125	2003/013206	20040701	2004/054970		
AR	NP	20041029	P040103952				
EP	EPA	20031030	03024781.1				
HK	FPR						abandoned
WO	PCT	20041014	2004/011548				
	CNT: Continuation						
	DIV: Divisional						
	EPA: European Application						
	EPD: European Divisional Application						
	EPT: Euro-PCT Application						
	FPR: Foreign Patent Registration						
	IPA: Internal priority application						
	MBA: Mailbox Appl. Art 70.8 TRIPS						
	NP: National Patent						
	PCP: Pipeline application						
	PCT: PCT Application						


Executed this 31st day of October, 2005

ppa.

i.v.



Dr. Arno Hartmann



Dr. Juergen Benz

On behalf of Merck KGaA

State of Germany

County of Darmstadt

On this 31st day of October, 2005, before me, a notary public in and for said county, appeared Dr. Arno Hartmann and Dr. Juergen Benz, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and they acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

Notary Public

My Commission Expires: \_\_\_\_\_

(Seal)

File No. 541/2005

I hereby certify, that the above are the true signatures, subscribed today at Frankfurter  
Straße 250 in Darmstadt in my presence, of

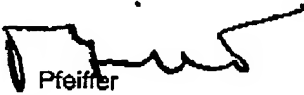
- 1) Mr. Dr. Arno Hartmann  
and
- 2) Mr. Dr. Juergen Benz

business address: D-64293 Darmstadt, Frankfurter Strasse 250,  
both identified by German identity card.

The notary public asked the appeared whether he or any member of his firm had acted in the  
matter which is the subject of this instrument, except in a notarial matter. The appeared  
denied.

Darmstadt, the 31<sup>st</sup> day of October 2005



  
Pfeiffer  
- notary public -